

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

FREDERICK DILLON,

Plaintiff,

v.

9:15-cv-0106 (BKS/ATB)

DR. R. ADAMS, *et al.*,

Defendants.

APPEARANCES:

Frederick Dillon
14-A-0649
Marcy Correctional Facility
P.O. Box 3600
Marcy, NY 13403
Pro se Plaintiff

Hon. Eric T. Schneiderman
New York State Attorney General
Joshua L. Farrell, Esq., Assistant Attorney General
The Capitol
Albany, NY 12224
For Defendants

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

On January 20, 2015, Plaintiff Frederick Dillon commenced this civil rights action under 42 U.S.C. § 1983 alleging that the Defendants violated his constitutional rights while he was incarcerated at the Clinton Correctional Facility. (Dkt. No. 1). On April 30, 2015, the Court granted Plaintiff's application for leave to proceed in forma pauperis after making a preliminary finding that Plaintiff had satisfied the "imminent danger" exception to the three strikes provision

in 28 U.S.C. § 1915(g). (Dkt. No. 11). On October 26, 2015, Defendants filed a motion to revoke Plaintiff's in forma pauperis status and conditionally dismiss the complaint. (Dkt. No. 42). Plaintiff filed a response to the motion on November 3, 2015. (Dkt. No. 43). A reply was filed by Defendants on November 30, 2015. (Dkt. No. 44).

This matter was referred to United States Magistrate Judge Andrew T. Baxter, and on March 10, 2016, Magistrate Judge Baxter issued a Report-Recommendation recommending that Defendants' motion to conditionally dismiss be denied. (Dkt. No. 45). Magistrate Judge Baxter advised the parties that they had fourteen days to file written objections to the report and that the failure to object to the report within fourteen days would preclude appellate review. *See Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993); 28 U.S.C. 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e); Dkt. No. 45, at pp. 9-10. No objections to the Report-Recommendation have been filed.

Since no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court has reviewed the Report-Recommendation for clear error. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228-29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b), advisory committee's note to the 1983 addition. Under this standard, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.* Having reviewed the Report-Recommendation for clear error and having found none, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 45) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendants' Motion to Conditionally Dismiss (Dkt. No. 42) is **DENIED**; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: April 11, 2016

A handwritten signature in black ink, reading "Brenda K. Sannes". The signature is written in a cursive style with a horizontal line underneath the name.

**Brenda K. Sannes
U.S. District Judge**